

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ted A. BARNES §
§
Serial Number: 10/727,697 §
§
Filed: December 4, 2003 § Group Art Unit: 3727
§
§
For: ACCESSORY MOUNT FOR VEHICLE § Examiner: Lester L. Vanterpool
CONTROL BODIES §

SUPPLEMENT TO APPEAL BRIEF

Dear Sir,

An Appeal Brief was timely submitted in reply to the Final Office Action dated August 12, 2008. The Office objected to the Brief in an Action mailed on May 14, 2009 on grounds that a Declaration of Ted A. Barnes was referenced but not attached. Based on a conference with the Examiner of June 8, 2009, Applicant now attaches the Declaration along with a statement about its entry into the record. The following are attached:

- (1) Supplement to the Secondary Considerations of the Brief (page 19). (1 page)
- (2) A corrected "Evidence Appendix" description. (1 page)
- (3) A copy of the Declaration of Ted A. Barnes and accompanying Exhibits.

Respectfully submitted,

Dated: June 8, 2009
Storm LLP
901 Main Street
Suite 7100
Dallas, Texas 75202
Telephone: (214) 347-4703
Fax: (214) 347-4799

/John G. Fischer/
John G. Fischer
Reg. No. 41,748

Secondary Considerations

In connection with each of the foregoing Claims, Applicant also respectfully requests that the Board consider the Declaration of Ted A. Barnes, which is of record in the Application. The Declaration was filed along with an Amendment on January 12, 2007, and duly entered. The Declaration shows indicia of non-obviousness; namely, copying by another and commercial success.

Evidence Appendix
37 C.F.R. § 41.37(c)(1)(ix)

The Declaration of Ted A. Barnes is attached. This Declaration was submitted along with an Amendment, filed on January 12, 2007, and duly entered into the record. The referenced Amendment was responsive to the Office Action of October 16, 2006.